

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 484 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
HASAM JUSAB SAMA

Versus

STATE OF GUJARAT

-----  
Appearance:

MR NK MAJMUDAR for Petitioner

MR. K.C. SHAH, ADDL. PUBLIC PROSECUTOR for  
Respondent No. 1

MR. SUNIL C. PATEL, Addl. Central Govt. Standing  
counsel for respondent No. 2

-----  
CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 18/11/97

ORAL JUDGEMENT

The grievance voiced by the petitioner is that the first appellate court has refused to suspend the sentence of the petitioner in spite of the fact that he was on bail during the trial and he has not misused the liberty. It is also submitted that if the appeal itself is not heard, the petitioner will undergo substantial

punishment and the very purpose of filing this appeal will be frustrated. On the other hand Mr. Patel, learned Addl. Central Govt. Standing counsel submits that there are serious allegations of smuggling against the petitioner. It is also submitted that this court does not interfere in the interlocutory order.

Having heard learned counsel for the parties. I am not inclined to interfere with the interlocutory order passed by the first appellate court refusing to suspend the sentence. However, considering the facts and circumstances of the case, the appellate court is directed to hear and decide the appeal itself within a period of three months from today. With this direction, this Criminal Revision Application stands rejected. Rule is discharged.

00000